

CCRB INVESTIGATIVE RECOMMENDATION

Investigator: Jean Paul Lozada	Team: Squad #9	CCRB Case #: 201702555	<input type="checkbox"/> Force	<input type="checkbox"/> Discourt.	<input type="checkbox"/> U.S.
			<input checked="" type="checkbox"/> Abuse	<input type="checkbox"/> O.L.	<input type="checkbox"/> Injury
Incident Date(s) Monday, 03/27/2017 3:37 PM	Location of Incident: over the phone	Precinct: 34	18 Mo. SOL 9/27/2018	EO SOL 9/27/2018	
Date/Time CV Reported Mon, 03/27/2017 6:35 PM	CV Reported At: IAB	How CV Reported: E-mail	Date/Time Received at CCRB Mon, 04/03/2017 11:10 AM		

Complainant/Victim	Type	Home Address
[REDACTED]	[REDACTED]	[REDACTED]

Subject Officer(s)	Shield	TaxID	Command
1. POM Rafael Moscoso	29063	954154	034 PCT

Officer(s)	Allegation	Investigator Recommendation
A.POM Rafael Moscoso	Abuse: Police Officer Rafael Moscoso refused to provide his shield number to § 87(2)(b) [REDACTED]	[REDACTED]

Case Summary

On March 27, 2017, § 87(2)(b) filed this complaint with the Internal Affairs Bureau via e-mail, generating IAB log number 2017-11679. On April 3, 2017, IAB forwarded this complaint to the CCRB.

On March 27, 2017, at approximately 3:37 p.m., § 87(2)(b) received a phone call from a private/blocked number. § 87(2)(b) answered the phone and spoke to PO Rafael Moscoso of the 34th Precinct, who proposed arranging a mediation session between § 87(2)(b) and § 87(2)(b), with whom he has had an ongoing dispute. § 87(2)(b) refused to meet with § 87(2)(b) and to go to the 34th Precinct stationhouse. At the end of the call, § 87(2)(b) asked PO Moscoso for his shield number, and PO Moscoso replied, "When I go over there in person, we'll see," and did not provide his shield number to § 87(2)(b) at any point thereafter (**Allegation A**). § 87(2)(b) then disengaged the call.

§ 87(2)(b) provided an audio recording of this conversation to the Internal Affairs Bureau, and IAB forwarded this recording to the CCRB (Board Review 01). The full audio recording can be heard below and also can be heard in IA#12.



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Mediation, Civil and Criminal Histories

- Due to § 87(2)(b) this case was deemed ineligible for mediation.
- On May 22, 2017, an on-line Freedom of Information Law request for any notice of claim filed by § 87(2)(b) in regards to this incident was sent to the NYC Comptroller's office (Board Review 02). Any responsive notice of claim will be added to the case file upon receipt.
- [§ 87(2)(b)] [§§ 86(1)(3)&(4)] [§ 87(2)(c)]
[REDACTED]
[REDACTED]
[REDACTED]

Civilian and Officer CCRB Histories

- § 87(2)(b)
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
- PO Moscoso has been a member of the NYPD for four years and is the subject of three prior CCRB allegations involving one case, with no substantiated allegations (Board Review 05).

- In case number 201602097, PO Moscoso was the subject of Force: Nightstick as Club, Force: Physical Force, and Abuse: Strip Searched allegations, each of which was closed as complainant uncooperative.

Findings and Recommendations

Allegations Not Pleaded

- Approximately 25 minutes after § 87(2)(b) spoke to PO Moscoso, he received a call from Lt. Michael Lee of the 34th Precinct Detective Squad. IAB forwarded a recording of this conversation to the CCRB as well (Board Review 06). At the beginning of the call, Lt. Lee identified himself as a lieutenant assigned to the 34th Precinct, and then § 87(2)(b) asked him for his name. Lt. Lee stated his name (“Lee, like the jeans, sir”), and § 87(2)(b) replied, “Wonderful.” At the end of the call, § 87(2)(b) asked Lt. Lee for his last name, and Lt. Lee wished § 87(2)(b) a speedy recovery and then disengaged the call. § 87(2)(b) and Lt. Lee were speaking over each other when this request was made, and Lt. Lee did not make any statement indicating that he heard § 87(2)(b) ask him for his last name. In his CCRB interview, Lt. Lee stated that this recording did not refresh his recollection as to whether § 87(2)(b) asked for his last name at the end of the call. He believed he did not hear § 87(2)(b) ask him for his last name, and he stated that he did not recall § 87(2)(b) making this request.

§ 87(2)(g)



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Allegation A – Abuse of Authority: Police Officer Rafael Moscoso refused to provide his shield number to § 87(2)(b)

§ 87(2)(b) stated that he received a call from an officer assigned to the 34th Precinct, who proposed arranging a mediation session between § 87(2)(b) and § 87(2)(b) with whom he has had an ongoing dispute. § 87(2)(b) refused to meet with § 87(2)(b) and to go to the 34th Precinct stationhouse. § 87(2)(b) stated that he asked PO Moscoso for his name and shield number, and that PO Moscoso told him that he could have this information if he came to the stationhouse. § 87(2)(b) then disengaged the call.

An audio recording of this conversation, recorded by § 87(2)(b) was provided by the Internal Affairs Bureau (Board Review 01). PO Moscoso stated his name at the beginning of the call. At the end of the call, § 87(2)(b) asked PO Moscoso for his shield number (“What’s your badge number, please?”), and PO Moscoso replied, “When I go over there in person, we’ll see.” § 87(2)(b) then informed PO Moscoso that the conversation was being recorded and that he was going to give a copy of the recording to a judge. PO Moscoso then said goodbye to § 87(2)(b) and then the call ended. PO Moscoso did not provide his shield number to § 87(2)(b) at any point in the call.



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PO Moscoso initially stated that he had no recollection of § 87(2)(b) requesting his shield number, and he did not recall saying, “When I go over there in person, we’ll see,” in response to § 87(2)(b)s request for his shield number. PO Moscoso also stated that he did not refuse to provide his shield number to § 87(2)(b) upon request. After listening to the audio of his conversation with § 87(2)(b) PO Moscoso stated that this audio refreshed his recollection of saying, “When I go over there, we’ll see.” PO Moscoso explained that he made this statement because he wanted to meet § 87(2)(b) in person. When asked whether there was any particular reason why he refused to provide his shield number to § 87(2)(b) upon request, PO Moscoso replied, “No.”

Patrol Guide Procedure 203-09 (Board Review 07) states that an officer must courteously and clearly state his or her shield number, or otherwise provide it, to anyone who requests it.

§ 87(2)(g)

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

Squad: 9

Investigator:	_____	_____	_____
	Signature	Print	Date
Squad Leader:	_____	_____	_____
	Title/Signature	Print	Date
Reviewer:	_____	_____	_____
	Title/Signature	Print	Date